

**REMARKS**

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1-33 are pending in this application. Claims 6, 8, 12, 13, 16, 20, 21, 24, 27-29 and 31-33 are amended. Claims 1, 14, 15, 22, 30 and 31 are independent claims.

Applicants acknowledge with appreciation the Examiner's indication that certified copies of the priority documents have been received by the United States Patent and Trademark Office (USPTO).

**Drawings**

Applicants respectfully request the Examiner acknowledge that the drawings have been accepted by the USPTO or identify any deficiencies believed to be present in the drawings so the Applicants have an adequate opportunity to traverse and/or address any identified deficiencies.

**Specification**

The specification is amended to correct a typographical error included in paragraph [00113] of the specification.

**Claim Objections**

Claims 32 and 33 are objected to because of informalities. Applicants have amended claims 32 and 33 to depend from independent claim 31 to correct the cited informalities. Therefore, Applicants respectfully request that the objections to claims 32 and 33 be withdrawn.

**Provisional Double Patenting Rejections**

Claims 1, 7, 14, 15, 22, 30 and 31 stand *provisionally* rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-98 of co-pending Application No. 10/753,373. Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application No. 10/753,373 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-3, 7-9, 13-16, 22-24, 28, 30-32 stand rejected under 35 U.S.C. §102(e) as anticipated by Kuroda et al. (US Patent Number 6,735,155). Applicants respectfully traverse the rejections as detailed below.

The Examiner alleges that “Kuroda et al. discloses a recording medium which comprises a data area including at least two data sections and a linking area to link neighboring data sections,” and “[t]he linking area includes user data and parity data (col. 5, lines 59-62, and Fig. 7).” (*Emphasis added*).

**FIG. 7 of Kuroda**

As shown in Fig. 7 of Kuroda, which is cited by the Examiner, when a new data section is added to the recording medium of Kuroda, the head position of the old dummy data concluding the previous information is detected and the new recording begins at the second sync frame located at the end of the original recording. The second sync frame is overwritten by the new record information and becomes in fact broken due to the overwriting of data. Subsequent to the broken data area is written the remainder of the new recording unit, followed by successive

recording units. Thus, the linking area between old and new record information of Kuroda, as shown in Fig. 7, includes a head position of old dummy information previously recorded, one sync frame containing dummy information, and a broken data area.

Column 5, lines 59-62 of Kuroda

This cited portion of Kuroda states “[f]or each data block 33 arranged in the vertical direction, ECC internal code (PI (Parity In) sign) 31 having 10 bytes data is affixed to the end of the data block 33 to constitute one correction block 34 (refer to right side of FIG. 1B).” However, Applicants respectfully note that the data block 33 shown in FIG. 1B is part of the data block 20 and thus, is not included in alleged linking area in Kuroda. Evidence of this assertion is provided at column 5, lines 53-57 of Kuroda, which states “one data sector 20 is firstly divided into plural blocks each of which is 172 bytes data, as shown in FIG. 1B, and each divided data (this is hereafter referred to as a ‘data block 33’) is arranged in a vertical direction (refer to the left side of FIG. 1B).”

Claims 1, 14, 15, 22, 30 and 31

Claim 1 recites a “linking area to link neighboring data sections, the linking area including user data and parity data.” Independent claims 14, 15, 22, 30 and 31 recite similar features. While the linking area of Kuroda may contain a head position and dummy data, the linking area in Kuroda does not contain user data or parity data, as is clearly illustrated in Fig. 7 of Kuroda. With regards to the specific section cited by the Examiner (column 5, lines 59-62 of Kuroda), although the Parity In sign may be a part of the error correcting code (ECC), which may be affixed to the end of each data block, the ECC does not overlap the linking area and no data from the ECC, parity or otherwise, is stored in the linking area according to Kuroda.

Therefore, Kuroda at least fails to disclose, teach or suggest the above-emphasized features of independent claim 1 and the similar features of independent claims 14, 15, 22, 30 and 31. Accordingly, for at least such reasons, independent claims 1, 14, 15, 22, 30 and 31 are allowable over Kuroda. With regard to the remaining dependent claims, these claims are allowable for at least the reasons previously submitted with regards to their corresponding independent claims. In light of the above, Applicants respectfully request that the rejection of claims 1-3, 7-9, 13-16, 22-24, 28, 30-32 under 35 U.S.C. §102(e) be withdrawn.

**Claim Rejections under 35 U.S.C. § 103**

Claims 4, 5, 10, 11, 17, 18, 20, 25, 26 and 33 stand rejected under 35 U.S.C. §103(a) as obvious over Kuroda. Applicants submit that the dependent claims 4, 5, 10, 11, 17, 18, 20, 25, 26 and 33 are patentable over Kuroda for at least the same reasons as the independent claims discussed above. Therefore, Applicants respectfully request that the rejection of claims 4, 5, 10, 11, 17, 18, 20, 25, 26 and 33 under 35 U.S.C. §103 be withdrawn.

**Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that claims 6, 12, 19, 21, 27 and 29 contain allowable subject matter. However, these claims have been maintained in dependent form at this time because independent claims 1, 14, 15, 22, 30 and 31 are believed allowable.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott A. Elchert at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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